

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Henry Chiu et al. Serial No.: 10/614,853 Filed: July 8, 2003 Title: Compositions and Methods for the Treatment of Immune Related Diseases	Group Art Unit: 1647 Examiner: SPECTOR, LORRAINE Confirmation No: 5148 Customer No: 09157 Electronically filed on November 17, 2006
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**RESPONSE TO RESTRICTION REQUIREMENT UNDER 35 C.F.R. §1.126**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Restriction Requirement dated June 21, 2006, and the Office Communication dated November 7, 2006, please consider the following election and remarks.

**Election:**

Applicants received a Communication from the U.S. Patent and Trademark Office dated November 7, 2006, which contained a request for clarification of Applicants' election filed on September 29, 2006, to the Office Communication dated June 21, 2006, which contained a requirement for restriction in connection with the application captioned above. More specifically, the Examiner required a restriction under 35 U.S.C. § 126 of one of the following inventions:

Group I: Claims 1-9, 11 and 12, drawn to nucleic acids, vectors, host cells, expression of protein and fusion proteins, classified in class 435, subclass 69.7 for example;

- Group II: Claims 10 and 15-18, drawn to protein, classified in class 530, subclass 350;
- Group III: Claims 13-18, drawn to protein, classified in Class 530, subclass 387.9;
- Group IV: Claims 15-18, as drawn to antagonists, classification dependent upon species;
- Group V: Claims 19-20 and 28, drawn to a method of treatment using protein or agonist, classified in Class 514, subclass 2;
- Group VI: Claims 19-20, as drawn to a method of treatment using an antagonist, classification dependent upon species;
- Group VII: Claims 19-20, as drawn to a method of treatment using an antibody, classified in class, subclass 130.1;
- Group VIII: Claims 21 and 23, drawn to assaying protein using an antibody, classified in class 435, subclass 7.1;
- Group IX: Claims 22, 29 and 30, drawn to a diagnostic assay in which gene expression is detected, classified in Class 435, subclass 6;
- Group X: Claim 24 and 27, drawn to an assay using cells that respond to PRO polypeptides, classified in Class 435, subclass 7.21;
- Group XI: Claim 25 and 26, drawn to an assay using cells that express PRO polypeptides, classified in Class 435, subclass 7.21.

Applicants hereby elect to prosecute the invention of Group IX, corresponding with Claims 22, 29 and 30, along with PRO 71061 (SEQ ID NO: 1).

**REMARKS**

Applicants reserve their rights to file divisional applications for the non-elected claims, as well as any other matter disclosed in the present application which is not encompassed by the elected claims.

**Conclusion:**

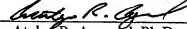
Applicants respectfully request that the above-made election and remarks be made of record in the file history of the instant application.

No fee is believed to be due for the submission of this response. Should any fees be required, however, please charge such fees to Genentech, Inc.'s Deposit Account No. 07-0630.

Respectfully submitted,  
GENENTECH, INC.

Date: November 17, 2006

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